

## **Statewide Waiver Conditions and Criteria**

### **Qualifications**

A department head must submit a written request to participate in the statewide waiver program to the Division of Human Resources (DHR), which is delegated responsibility for personal services contracts review from the state personnel director. The request must state how the department will comply with all requirements and it should identify the processes in place to ensure compliance with conditions of this waiver, statutory requirements, and Director's Administrative Procedures.

Departments and institutions of higher education (departments) must have at least one human resources (HR) professional with a certificate in the Personal Services Contracts modules of the Personnel Certificate Program to conduct personal services review. The review shall include most contracts, purchase orders, and solicitations. An HR professional must complete all personal services documents, such as certification forms and pre-approvals. When submitting requests to other central approvers, HR professionals will need to insert the notation, "**Service Reviewed by HR**", and sign in the appropriate space on the CLI2 screen print document. The processing of an agreement **may be delayed or rejected** if it is submitted **without** this CLIN notation.

All commitment vouchers issued under this statewide waiver must comply with State Fiscal Rules, State Procurement Rules, and the Capital Construction Accounting Guidelines. All statutes governing capital construction and all policies issued by the State Controller's Office and State Purchasing concerning the use of purchase orders and contracts must be followed. In addition, all personal services agreements must contain the mandatory *Independent Contractor Clause* specified in the Director's Administrative Procedure P-10-11.

This waiver is limited to the basis that state employees are unable to perform the services needed.

### **Services NOT Waived**

Personal services agreements that directly\* impact the state's personnel system, CRS 24-50-503 and 24-50-504(2)(a), must be forwarded to the Personal Services Contracts Review Program in DHR for review. The HR professional in a department must complete the certification prior to submitting an agreement for review.

*\*A direct impact is defined as those services that have been historically or currently performed by state employees.*

### **Services Waived**

For any contract that meets criteria established under CRS 24-50-504 (2)(b) through 24-50-504(2)(h) or (3), personal services review by DHR is waived provided the department's human resources office certifies the request to ensure compliance with this statewide waiver and personnel procedures.

Agreements that fall under \$5000.00 in aggregate and do not require an encumbrance document as outlined in State Fiscal Rule 2-2, are exempt from personal services review by both DHR and the department's human resources office. If agreements exceed \$5000.00 in aggregate and fall outside the conditions set forth in this statewide waiver, certification is required by the department's human resources office and must be reviewed by DHR. A review of services that exceed \$5000.00 in aggregate and fall within the conditions of this statewide waiver is waived by DHR but must be certified by department HR offices.

HR Administrators may issue internal personal services program waivers for services that include: maintenance or services agreements (includes software and equipment); contract modifications including option letters, renewal letters, contract amendments, task orders (provided master contract was reviewed); temporary services for any type of leave; conference accommodations (includes all hotel accommodations and catering), purchased services as defined by Director's Administrative Procedures (those services that have a direct benefit to individual groups or the public at large), design and construction services (as set forth in the State Buildings & Real Estate Programs Waiver), and trash removal services. Other services may be waived provided that a detailed analysis is conducted by the HR administrator demonstrating his or her knowledge of the department's contracting activity.

### **Services Requiring Prior-Approval**

Written authorization must be obtained from the appropriate programs to utilize an outside vendor **before** entering into a personal services agreement and a copy of the written approval must accompany the request. Please reference the Prior-Approval Checklist for services that require prior approval and for program contact information.

Solicitations for services under the statewide waiver still require pre-review or a pre-approval by a department's human resource office. The pre-approval is intended to address any potential problems or impacts on the state personnel system. HR Administrators must issue the pre-approvals utilizing sample language provided by DHR.

### **Waiver Term**

This waiver is valid from year to year and will be reviewed and updated as necessary. The Department of Personnel and Administration (DPA) will conduct audits to review compliance with this statewide waiver. By law, departments must provide the documentation requested by DPA's representative. Furthermore, DPA reserves the right to terminate a department's agreement to participate in this statewide waiver process for failure to adhere to all conditions and requirements. This waiver is being issued in accordance with CRS 24-50-509 and the Director's Administrative Procedure.

Signature confirms continued participation in the statewide waiver in accordance with these conditions and criteria.

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**Department Head**

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**Date**

Return to the Personal Service Program Coordinator, 1313 Sherman, Room 122, Denver, CO 80203. Retain a copy for departmental records.